

REMARKS

This communication is in response to the non-final office action mailed on October 5, 2010 rejecting claims 1-12.

Claim Objections

Claims 1-4 and 8-10 were objected to as including informalities.

With this response, claims 1-4 have been amended to correct issues related to antecedent basis and claims 8-10 have been cancelled.

It is respectfully requested that the objections to claims 1-4 and 8-10 be withdrawn.

Claim rejections under 35 U.S.C. § § 102 and 103

Claims 1-2 and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by Ellis-Brewer, U.S. Pat. No. 5,435,015 ("Ellis-Brewer").

Ellis-Brewer discloses at column 1, lines 64-67 an undergarment for wearers who have an overhanging abdomen (a fat apron) to prevent the fat apron from rubbing against the skin of the upper pubic region.

Independent claim 1 has been amended to require an elastically extensible body part including a front panel configured for exerting a pressure on an abdominal region of a wearer and a back panel opposite the front panel, and a crotch part interconnected between the front panel and the back panel, the support garment including a seam connecting the back panel and the crotch part to provide a pouch extending from a back portion of the support garment, wherein the pouch provides a baggy crotch zone for the wearer.

Ellis-Brewer does not teach or suggest and a crotch part interconnected between the front panel and the back panel, the support garment including a seam connecting the back panel and the crotch part to provide a pouch extending from a back portion of the support garment, wherein the pouch provides a baggy crotch zone for the wearer, as required by amended independent claim 1.

Thus, it is respectfully requested that the rejections to claims 1-2 and 11 under 35 U.S.C. §102 (b) over Ellis-Brewer be withdrawn.

Claims 1, 3, 5-7, and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by Hashimoto, U.S. Pat. No. 5,4,612,674 ("Hashimoto").

Hashimoto discloses at column 1, lines 51-61 underwear that snugly fits the curves of the buttocks and the gluteal cleft to provide graceful hip lines.

Independent claim 1 has been amended to require a crotch part interconnected between the front panel and the back panel, the support garment including a seam connecting the back panel and the crotch part to provide a pouch extending from a back portion of the support garment, wherein the pouch provides a baggy crotch zone for the wearer.

Hashimoto does not teach or suggest a support garment having a pouch that provides a baggy crotch zone for the wearer. In addition, the underwear of Hashimoto is configured to snugly fit and conform to the bulges of the buttocks (Abstract) and thus teaches away from a support garment having a pouch that provides a baggy crotch zone for the wearer.

Thus, it is respectfully requested that the rejections to claims 1, 3, 5-7, and 11 under 35 U.S.C. §102 (b) over Hashimoto be withdrawn.

Claims 4, 8-10, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hashimoto in view of various tertiary references recorded in the office action at pages 3-4.

Claims 4 and 12 further define the distinct amended independent claim 1. Claims 8-10 have been canceled. Hashimoto teaches away from a support garment including a seam connecting the back panel and the crotch part to provide a pouch extending from a back portion of the support garment, wherein the pouch provides a baggy crotch zone for the wearer, as required by independent claim 1, such that independent claim 1 is believed to be nonobvious over Hashimoto alone or in combination with the tertiary references. Thus, claims 4 and 12 are also believe to be nonobvious over Hashimoto alone or in combination with the tertiary references.

It is respectfully requested that the rejections to claims 4, 8-10, and 12 under 35 U.S.C. §103 (a) over Hashimoto in view of the various tertiary references recorded in the office action at pages 3-4 be withdrawn.

Claims 13-14 are newly presented to recite additional patentably distinct subject matter over the cited references.

Claim 13 requires that the seam comprises a curved edge of the crotch part attached to a curved edge of the back panel, and further wherein a radius of curvature of the curved edge of the crotch part is different from a radius of curvature of the curved edge of the back panel to provide a baggy zone that extends from the back portion of the support garment.

Claim 14 requires a support garment comprising: an elastic body part including a front panel configured to exert a pressure on an abdominal region of a wearer and a back panel opposite the front panel; a crotch part interconnected between the front panel and the back panel; and a seam connecting the back panel and the crotch part, the seam formed from a curved edge of the crotch part attached to a curved edge of the back panel; wherein a radius of curvature of the curved edge of the crotch part is different from a radius of curvature of the curved edge of the back panel to provide a pouch extending from a back portion of the support garment.

Support for the language of claims 13-14 is located in the application as filed at least at page 2, lines 8-10; page 3, lines 1-8; page 6, lines 7-15; page 7, lines 6-12; and in the drawings at Figures 2 and 5.

CONCLUSION

It is believed that pending claims 1-3 and 12-14 recite patentable subject matter and are in condition for allowance.

The Examiner is invited to telephone the undersigned if issues remain outstanding or to expedite examination of this application.

The office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,

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